

HALDIMAND COUNTY INTEGRITY COMMISSIONER, DAVID G. BOGHOSIAN

Citation: Complaint re: Councillor McKeen Comments in Emails To Fellow Councillors – DGB-Haldimand County ICI-2026-03

Date: June 18, 2026

REPORT ON COMPLAINT (UPDATED FOLLOWING 22/6 COUNCIL MEETING)

Overview

[1] I received a Complaint on April 8, 2026 alleging that certain comments by Councillor Debera McKeen in a series of emails over the period March 4-7, 2026 lacked decorum and were therefore in breach of s. 7.1 of the Code of Conduct. I note that I was a party to these email exchanges and some of the comments on the part of Cllr. McKeen complained of were directed at me. I address the assertion by Cllr. McKeen's legal counsel concerning my alleged conflict in this Report.

Complaint

[2] The Complaint was as follows:

Haldimand Councilor McKeen initiated an email exchange commencing March 4th, 2026 @ 9:47am.

The emails, three from Councilor McKeen, one from Councilor O'Neil, two from Integrity Commissioner Boghosian, contained disrespectful language from Councilor McKeen that contravened the Haldimand County Code of Conduct, violating section 7.1. It is stated,

"members shall conduct themselves with decorum at all times while acting in their role as a member."

The full email exchange finished March 8th, 9:32pm from Councilor McKeen, with language violating the Code of Conduct again after Commissioner Boghosian had clearly stated on March 7th, 9:08pm to Councilor McKeen in violation of Municipal Code of Conduct at that time, yet continued.

This formal complaint is respectfully submitted as a result of the lack of respect and degrading treatment to all and the refusal by Councilor McKeen to refrain from unacceptable behaviour after the Integrity Commissioner stated in violation of the Code of Conduct.

[3] The exchange in question commenced with an inquiry to me by Cllr. McKeen, copied to all Members of Council, and the County's CAO and Clerk which I replied to, the content of which was as follows:¹

From: Debera McKeen <dmckeen@haldimandcounty.on.ca>
Sent: Wednesday, March 4, 2026 9:47 AM
To: David Boghosian <dgb@boglaw.ca>
Cc: DL-Council <DL-COUNCIL@HaldimandCounty.on.ca>; Michael Di Lullo <mdilullo@haldimandcounty.on.ca>; Chad Curtis <ccurtis@haldimandcounty.on.ca>
Subject: Confidential Clarification

It seems that I need some clarification in the confidentiality arena. It was my understanding that any discussion around the [REDACTED] regarding [REDACTED] issues was a confidential matter. Twice now Councillor Shirton has brought up in open council his concerns about his [REDACTED] I obviously missed the memo that stated that this issue is now open to the general public. I require in writing that these issues are now public domain. I intend to submit this information to the media so that there is complete transparency. As a senior councillor, I am sure Councillor Shirton's impassioned plea will be viewed many times. Since neither the clerk nor the CAO offered a point of order according to Chad [Curtis, County Clerk] its not his job, then this issue is public. Please supply in great detail what specific information is public. Since councillors do not have details about [REDACTED] [REDACTED] unless the subject discloses such information, perhaps everyone on council should be informed not only [REDACTED] of the subject. I am only following Councillor Laurence's lead in pointing out the [REDACTED]. I did it here not in open council as he did. Since [REDACTED] assurance of non-confidentiality have been questioned, I am addressing this letter directly to the integrity commissioner.

Please reply as soon as possible as I am sure to have questions brought by my residents.

Debera McKeen
 Councillor Ward 1
 Deputy Mayor

¹ I have reversed the order of the emails from how they would appear in the email chain so that they appear in chronological order. While usually, any advice I provide to Members is confidential, Cllr. McKeen waived confidentiality by including all Members of Council, the CAO and the Clerk on her initial email and in all subsequent emails.

From: David Boghosian
Sent: March 4, 2026 11:15 AM
To: Debera McKeen <dmckeen@haldimandcounty.on.ca>
Cc: DL-Council <DL-COUNCIL@HaldimandCounty.on.ca>; Michael Di Lullo <mdilullo@haldimandcounty.on.ca>; Chad Curtis <ccurtis@haldimandcounty.on.ca>
Subject: [EXTERNAL] RE: Confidential Clarification

Good morning Cllr. McKeen:

Certainly, the particulars of any [REDACTED] should be kept confidential, unless that confidentiality is expressly waived by the [REDACTED]. The status of negotiations of a [REDACTED] should also be kept confidential, again unless waived by the [REDACTED]. In any event, breach of confidentiality in respect of one or some aspects of a confidential matter does not thereby necessarily waive confidentiality over any other information regarding, or aspect of, the matter, unless there has been a misleading characterization of the facts by the [REDACTED] [REDACTED] such that disclosure is needed to correct such facts.

Beyond these general observations, I cannot comment further as you have not provided me with the nature of information being publicly shared that is or may be confidential as you have not provided me with any particulars in this regard. With respect to your comment “Please supply in great detail what specific information is public,” I am not privy to that information so I cannot comment.

If you wish me to comment on whether any specific information that has been disclosed is confidential, you would need to provided me with particulars of what has been publicly stated regarding [REDACTED].

I trust this is of assistance.

Yours truly,

David Boghosian

[4] In the first paragraph of her reply to my email above sent on, March 4, 2026 at 2:20 pm, Cllr. McKeen made the following statements:²

- “As expected, you did not answer my question”
- “because you don’t seem to understand his comments, perhaps I should have looped in the legal department. Instead, I will try and explain his theatrics more clearly and simply so that you understand.”

² I have not included the entirety of the email because much of it referenced confidential information about a specific individual that should remain confidential.

- “Councillor Shirton ranted on about...”

[5] Cllr. O’Neill then responded in a professional, matter-of-fact fashion on March 6th at 9:35 am setting out his understanding of Cllr. Shirton’s initial inquiry ie, that it was merely a request for a briefing in a future closed session, not for an immediate briefing in a public session. This was followed by a reply from Cllr. McKeen on March 6th at 5:26 pm, the first paragraph of which read as follows:

Thank you Councillor O’Neal [sic], for your rambling and unsolicited advice and response. I must say that when I am needing inspiration on how to write county emails I always find tactics in your letters. However, unless you are a closet integrity commissioner in addition to being an inexperienced councillor, I will take your threat with a shaker of salt.

[6] I replied to Cllr. McKeen’s March 6th email with an email that included, among other things, the following observations:

- “I did not realize your original email of March 4th included all Members of Council until I read Cllr. O’Neill’s response. Given that it did, it constituted an impermissible initiation of a closed meeting which is barred by s. 239 of the *Municipal Act, 2001*.”
- “I also note that your surly and disrespectful comments about Cllr. Shirton, Cllr. O’Neill and myself (“*As expected*, your response did not answer my question”) without question violate s. 7.1 of the Code of Conduct which states “Members shall conduct themselves with decorum at all times while acting in their role as a Member. ‘Decorum’ has been defined by many other ICs to mean respectful, socially-acceptable discourse. Your comments clear fail that test.”

Full Email String Initiated By Cllr. McKeen, March 4-7, 2026

[6A] At the Council meeting on June 22, 2026 at which I presented this Report, I was requested to provide the complete email chain at issue in the Complaint. The complete chain, including Cllr. McNeill’s email, with irrelevant headers and footers omitted, follows:

From: Debera McKeen <dmckeen@haldimandcounty.on.ca>
Sent: Wednesday, March 4, 2026 9:47 AM
To: David Boghosian <dgb@boglaw.ca>
Cc: DL-Council <DL-COUNCIL@HaldimandCounty.on.ca>; Michael Di Lullo <mdilullo@haldimandcounty.on.ca>; Chad Curtis <ccurtis@haldimandcounty.on.ca>
Subject: Confidential Clarification

It seems that I need some clarification in the confidentiality arena. It was my understanding that any discussion around the [REDACTED] regarding [REDACTED] issues was a confidential matter. Twice now Councillor Shirton has brought up in open council his concerns about [REDACTED] [REDACTED]. I obviously missed the memo that

stated that this issue is now open to the general public. I require in writing that these issues are now public domain. I intend to submit this information to the media so that there is complete transparency. As a senior councillor, I am sure Councillor Shirton's impassioned plea will be viewed many times. Since neither the clerk nor the CAO offered a point of order according to Chad its not his job, then this issue is public. Please supply in great detail what specific information is public. Since councillors do not have details about [REDACTED] unless the subject discloses such information, perhaps everyone on council should be informed not only [REDACTED] of the subject. I am only following Councillor Laurence's lead in pointing out [REDACTED] I did it here not in open council as he did. Since [REDACTED] assurance of non-confidentiality have been questioned, I am addressing this letter directly to the integrity commissioner.

Please reply as soon as possible as I am sure to have questions brought by my residents.

Debera McKeen
Councillor Ward 1
Deputy Mayor

From: David Boghosian
Sent: March 4, 2026 11:15 AM
To: Debera McKeen <dmckeen@haldimandcounty.on.ca>
Cc: DL-Council <DL-COUNCIL@HaldimandCounty.on.ca>; Michael Di Lullo <mdilullo@haldimandcounty.on.ca>; Chad Curtis <ccurtis@haldimandcounty.on.ca>
Subject: [EXTERNAL] RE: Confidential Clarification

Good morning Cllr. McKeen:

Certainly the particulars of any [REDACTED] should be kept confidential, unless that confidentiality is expressly waived by the [REDACTED]. The status of negotiations of a [REDACTED] should also be kept confidential, again unless waived by the [REDACTED]. In any event, breach of confidentiality in respect of one or some aspects of a confidential matter does not thereby necessarily waive confidentiality over any other information regarding, or aspect of, the matter, unless there has been a misleading characterization of the facts by the [REDACTED] [REDACTED] such that disclosure is needed to correct such facts.

Beyond these general observations, I cannot comment further as you have not provided me with the nature of information being publicly shared that is or may be confidential as you have not provided me with any particulars in this regard. With respect to your comment "Please supply in great detail what specific information is public," I am not privy to that information so I cannot comment.

If you wish me to comment on whether any specific information that has been disclosed is confidential, you would need to provided me with particulars of what has been publicly stated regarding the [REDACTED].

I trust this is of assistance.

Yours truly,
David Boghosian

From: Debera McKeen <dmckeen@haldimandcounty.on.ca>
Sent: Wednesday, March 4, 2026 2:20 PM
To: David Boghosian <dgb@boglaw.ca>
Cc: DL-Council <DL-COUNCIL@HaldimandCounty.on.ca>; Michael Di Lullo
 <mdlullo@haldimandcounty.on.ca>; Chad Curtis
 <ccurtis@haldimandcounty.on.ca>
Subject: RE: [EXTERNAL] RE: Confidential Clarification

As expected, you did not answer my question. If Rob was referring to [REDACTED] details, he should not have brought up the matter at all since it would be a confidential matter as you said. However, because you don't seem to understand his comments, perhaps I should have looped in [REDACTED]. Instead, I will try and explain his theatrics more clearly and simply so that you understand. According to clerk Curtis, one need only google [REDACTED] and details of [REDACTED] [REDACTED] become available. It was my understanding that [REDACTED] arising from the [REDACTED] were in fact [REDACTED]. I personally googled [REDACTED] and DID NOT come across any mention of [REDACTED]. Councillor Shirton ranted on about [REDACTED] with implications of [REDACTED] costing taxpayers untold monies. If he referred to [REDACTED] that is undoubtedly confidential, but if his performance was aimed at other [REDACTED], my understanding was that [REDACTED].

Since this is an election year, or silly season as some refer to it, I want absolute clarity **in writing** about the nature of any [REDACTED] that the county may or may not be involved in. Perhaps you could watch that small snippet of the council meeting and reply with clarity on his statements. We have established that [REDACTED] are confidential, and what of the matter of [REDACTED]. Whichever, Councillor Shirton was referring to, I would have thought that all [REDACTED] would have to be concluded before actual financial matters were tallied. Councillor Shirton being vague in his tirade leaves plenty of room for speculation with the public that he always asks clarification for. Perhaps he has [REDACTED] about the conclusion of said [REDACTED] which have yet to be shared with council.

If there is an update on this situation, I would be delighted to learn the facts, however, shouldn't this topic be brought up during "in camera" session? The learning curve in this role is high and steep where one misstep or wrong advice creates consequences in personal, financial and political areas. As the integrity commissioner I look forward to your insight in this matter, but if this is something that should be brought to [REDACTED], I would be content to forward this correspondence.

From: Patrick O'Neill

Sent: March 6, 2026 9:35 AM

To: Debera McKeen <dmckeen@haldimandcounty.on.ca>; David Boghosian <dgb@boglaw.ca>

Cc: DL-Council <DL-COUNCIL@HaldimandCounty.on.ca>; Michael Di Lullo <mdlullo@haldimandcounty.on.ca>; Chad Curtis <ccurtis@haldimandcounty.on.ca>

Subject: Re: [EXTERNAL] RE: Confidential Clarification

Councillor McKeen,

Maybe I can provide some insight, as the situation is fairly straightforward.

Councillor Shirton put forward a Notice of Motion requesting an update on the current status [REDACTED]. Specifically, he was asking whether negotiations are still ongoing, what the terms may be, whether there are any pending lawsuits, and what the County could potentially be responsible for financially. The motion itself was simply to have a **closed session discussion** about this topic. Therefore, anything discussed would occur in closed session.

Now, I cannot speak for Councillor Shirton, but in my opinion a motion requesting a status update should reasonably be addressed within the next meeting or two. Clearly that has not happened, so Councillor Shirton was asking for an update on his motion. There is nothing wrong with that, nor does it need to be confidential simply to ask for an update.

Councillor Shirton providing commentary on his feelings about strong mayor powers and the situation itself could certainly be debated in terms of tact or timing. However, all of us around the table have, at different times, expressed our feelings about certain situations.

Ultimately, this will be a closed report. He—and in fact all of us—should want an update, as there could potentially be a significant amount of taxpayer money at stake if there are pending lawsuits, something Council has largely been in the dark about.

I should also mention that Council being in the dark is only the practice since strong mayor powers were adopted. In the past, any [REDACTED] negotiations were handled by Council as a whole. So yes, I can understand why our senior councillor, who has been through this process multiple times, might feel frustration about being kept in the dark on this matter due to the Mayor exercising strong mayor powers.

If you want to loop in legal counsel on this matter that is certainly your choice, but I would advise caution. The costs associated with [REDACTED]
[REDACTED]

████████████████████ and of course the legal and staff time involved. And that is all **before** the possibility of a lawsuit.

In the end, Councillor Shirton is simply asking for an update on a closed report concerning a matter in which Council historically has always been involved, in order to better understand the potential cost of ████████████████████—particularly given that it represents the only significant use of strong mayor powers to date.

From: Debera McKeen

Sent: Friday, March 6, 2026 5:26 PM

To: Patrick O'Neill ; David Boghosian

Cc: DL-Council ; Michael Di Lullo ; Chad Curtis

Subject: RE: [EXTERNAL] RE: Confidential Clarification

Thank you Councillor O'Neal, for your rambling and unsolicited advice and response. I must say that when I am needing inspiration on how to write county emails I always find tactics in your letters. However, unless you are a closet integrity commissioner in addition to being an inexperienced councillor, I will take your threat with a shaker of salt.

You do however bring up a good point. That being that Rob brought up a matter that should have been addressed in closed session. His stating the fact that this information that he was requesting involved a ████████████████████ and how they were ██████████ directly pointed out the individual. My understanding was that closed session was to avoid naming names. Understandably, he is deeply concerned with how his ██████████ has been maligned by the use of ████████████████████ pressed on municipalities by our current provincial government. Unfortunately, since neither Chad nor Mike saw this as a procedural matter worthy of intervention and understanding that interruption by the mayor/chair would have been seen as her trying to sweep the matter away. I am still left with an unanswered question for the integrity commissioner. I included all of council as a learning experience for future meetings as these matters are not going away. Impassioned speeches are understandable and expected from emotional councillors.

My concern arose from the fact that we were in open session, when this item could have been added to the agenda in closed session, since Rob had intended to bring it up all along. Perhaps I should have been less transparent and not included ████████████████████ when contacting the integrity commissioner, but alas, I am an honest person learning as I go from the examples set before me.

Since your advice is not to include legal, I can only assume that contacting the integrity commissioner was the correct avenue. Remembering that your opinion of ████████████████████ is a small amount compared to the Haldimand County budget, I find your counselling me to avoid additional taxpayer costs laughable at best.

I will reach out privately to Dave and continue to request clarification on this matter. Any response from him to me after this can be confidential and limited to the two of us. Can't wait for the next council meeting and more learning opportunities.

From: David Boghosian

Sent: Saturday, March 7, 2026 9:08 PM

To: 'Debera McKeen' <dmckeen@haldimandcounty.on.ca>; Patrick O'Neill <poneill@haldimandcounty.on.ca>

Cc: DL-Council <DL-COUNCIL@HaldimandCounty.on.ca>; Michael Di Lullo <mdilullo@haldimandcounty.on.ca>; Chad Curtis <ccurtis@haldimandcounty.on.ca>

Subject: RE: [EXTERNAL] RE: Confidential Clarification

Cllr. McKeen:

I did not realize your original email of March 4th included all Members of Council until I read Cllr. O'Neill's response. Given that it did, it constituted an impermissible initiation of a closed meeting which is barred by s. 239 of the *Municipal Act, 2001*. I am quite concerned by your apparent ignorance of this fundamental principle of governance given the fact that I spent 5 slides attempting to educate you about this principle during your IC training on May 5, 2025, less than a year ago. One of those slides specifically referenced the fact that conducting Council business by email to all Members constitutes the initiation of a closed meeting which is barred by the *Municipal Act, 2001*. The issues of Cllr. Shirton's comments at Council and his proposed motion regarding information about [REDACTED] are, without question, business of Council which can only be dealt with during a meeting open to the public (notwithstanding that the actual provision of such information might be provided in a properly constituted in camera meeting). You have violated this fundamental principle.

I also note that your surly and disrespectful comments about Cllr. Shirton, Cllr. O'Neill and myself ("As *expected*, your response did not answer my question") without question violate s. 7.1 of the Code of Conduct which states "Members shall conduct themselves with decorum at all times while acting in their role as a Member. " Decorum" has been defined by many other ICs to mean respectful, socially-acceptable discourse. Your comments clear fail that test.

I urge you to take your ethical obligations seriously going forward.

Your inquiries are not a proper requests for advice as they do not concern your personal position. If you have a Code of Conduct Complaint about Cllr. Shirton, please do so through appropriate channels, not via mass email to all of Council and beyond.

By copy of this email, I ask Clerk Curtis to post this email exchange on the County website under Council meetings so the public can be made aware of the Council business improperly conducted by Cllr. McKeen in private.

Yours truly,
David Boghosian,
Integrity Commissioner,
Haldimand County

Letter from Legal Counsel for Cllr. McKeen to County Clerk Chad Curtis dated March 15, 2026

[7] The County Clerk received a letter from legal counsel for Cllr. McKeen which I was not copied on shortly after the email exchanges set out above. Among other things, the letter:

- Erroneously identified me as the County’s Closed Meeting Investigator³ and demanded that I be required to recuse myself from any closed meeting investigation related to Cllr. McKeen’s involvement of all Members of Council in the debate over the subject-matter of her original email;
- Correctly identified me as the Integrity Commissioner and demanded that if a code of conduct complaint is filed with me relating to the email correspondence at issue, that the Clerk ensure that I will formally decline to act and delegate the matter to another qualified integrity commissioner.

[8] I do not know why this letter was written to the Clerk and not to me, or even copied to me, given that it would be up to me to decide whether to recuse myself from any decision-making role in relation to Cllr. McKeen’s emails. Cllr. McKeen’s legal counsel ought to have known this.

Relevant Code of Conduct Provision

[9] Section 7.1 of the Council Code of Conduct reads as follows:

7. Communications/Media Relations/Promotion/Social Media

...

7.1 Members shall conduct themselves with decorum at all times while acting in their role as a Member.

Response

[10] On June 2, 2026, I emailed Cllr. McKeen advising her of the Complaint, including the particular statements she made that were the subject of the Complaint, and requested her Response

³ As per the Haldimand County website, its closed meeting investigator is the Ontario Ombudsman: see <https://www.haldimandcounty.ca/government-administration/council/accountability-and-transparency/#closed-meetings>.

on or before Friday, June 12th. I received a Response from Cllr. McKeen's legal counsel on June 15th. That Response was as follows:

RESPONSE TO CODE OF CONDUCT COMPLAINT DATED APRIL 8, 2026

INTRODUCTION

I have been retained as counsel to Councillor McKeen with respect to the Code of Conduct Complaint dated April 8, 2026 (the "**Complaint**").

This letter is provided on Councillor McKeen's behalf in response to w the Complaint.

BACKGROUND

On Wednesday, March 4, 2026 at 9:47 AM, Councillor McKeen emailed you to seek guidance on her obligations with respect to the use and disclosure of confidential information under the County's Council Code of Conduct Policy (the "**Code**").¹ Councillor McKeen copied all members of Council on this email, along with the Clerk and the CAO.

Later that same day, at 11:15 AM, you provided a cursory response to Councillor McKeen's request and indicated that you required additional details in order to provide specific advice. You similarly copied all members of Council, along with the Clerk and the CAO.

At 2:20 PM that same day, Councillor McKeen responded to your email with additional information and commentary.

Two days later, on Friday, March 6, 2026, at 9:35 AM, Councillor O'Neill responded and provided his position on the situation under discussion.

Later that day, at 5:26 PM, Councillor McKeen responded to Councillor O'Neill's email, setting out her position in reply.

On Saturday, March 7, 2026, at 9:08 PM, you responded to the email chain, again including all members of Council as well as the Clerk and CAO. You made unsolicited comments and determinations regarding Councillor McKeen's conduct in relation to the Code.² In particular, you stated as follows:

I also note that your surly and disrespectful comments about Cllr. Shirton, Cllr. O'Neill and myself ("*As expected*, your response did not answer my question") without question violate s. 7.1 of the Code of Conduct which states "Members shall conduct themselves with decorum at all times while acting in their role as a Member. "Decorum" has been defined by many other ICs to mean respectful, socially-acceptable discourse. Your comments clear fail that test.

You provided Councillor McKeen with notice of the Complaint on June 2, 2026. At that time, you advised that the Complaint had been received on or about April 8, 2026.

The Complaint alleges that Councillor McKeen contravened Section 7.1 of the Code based on various comments made in the email correspondence referenced above.

REASONABLE APPREHENSION OF BIAS AND PREDETERMINATION

Councillor McKeen has repeatedly raised concerns regarding your prior involvement in the underlying events, your March 7, 2026 conclusion that she had contravened Section 7.1 of the Code before any formal Complaint had been received, and your participation in the email correspondence giving rise to the Complaint.

Despite those concerns, and despite repeated requests for an explanation, you have not provided any substantive reasons as to why these circumstances do not create a conflict of interest, a reasonable apprehension of bias, or a closed mind.

Instead, you advised that you would continue acting as the investigator in this matter notwithstanding those concerns.

Councillor McKeen was entitled to an investigation conducted by an impartial Integrity Commissioner and to an explanation as to why the concerns she raised regarding conflict of interest, reasonable apprehension of bias, and prejudgment were rejected. See *Chiarelli v. Ottawa (City of)*, 2021 ONSC 8256.

To date, no such explanation has been provided.

ADDITIONAL PROCEDURAL FAIRNESS CONCERNS

The procedural fairness concerns in this matter extend beyond those detailed above.

In particular, although the Complaint was in your possession for nearly two months before it was provided to Councillor McKeen, you refused her request for a modest extension of time to respond, from ten (10) business days to fifteen (15) business days.

In addition, you declined to provide Councillor McKeen with an opportunity to review and respond to any draft findings or recommendations before the public issuance of your report.

The latter point is particularly concerning. While the Code may be silent on this issue, the Ontario Ombudsman has specifically recognized that procedural fairness

generally affords such an opportunity. In its guidance respecting integrity commissioner investigations, the Ombudsman states:

"Members of council or local boards who are under investigation should also be given an opportunity to respond to any adverse findings against them and any recommended penalties or remedial actions. This can safeguard the procedural fairness of the integrity commissioner's process."³

Despite this guidance, you have stated that Councillor McKeen will not be afforded any opportunity to review and respond to potential adverse findings or recommendations before they are finalized and published.

Viewed collectively, these circumstances create the appearance that the process has been driven by a desire to issue a report within a particular timeframe rather than to ensure that Councillor McKeen is afforded a full and fair opportunity to participate in the investigation.

Procedural fairness requires more than simply providing an opportunity to respond. It requires a meaningful opportunity to be heard and to have legitimate procedural concerns addressed. To date, Councillor McKeen's concerns have not been meaningfully addressed despite being raised repeatedly throughout this process.

THE RIGHT TO SEEK PROCEDURAL FAIRNESS

The circumstances giving rise to this matter are unusual.

Councillor McKeen initially contacted you to seek your guidance regarding her obligations in respect of the proper use and disclosure of confidential information under the Code.

The advisory function of an Integrity Commissioner exists to assist members of Council in understanding and complying with their ethical obligations. It is therefore concerning that a request for advice ultimately resulted in you determining that Councillor McKeen had contravened Section 7.1 of the Code before any formal complaint had been made.

It is equally concerning that, when Councillor McKeen raised concerns regarding procedural fairness with you, you told her that responding to those concerns would increase costs to taxpayers, and that, if she persisted, you may need to address that publicly. Councillor McKeen was entitled to raise those concerns. They were not advanced for the purpose of delay or obstruction, but rather because they engage fundamental principles of procedural fairness and the integrity of the investigative process, in circumstances that are irregular.

Councillor McKeen remains willing to cooperate fully with a fair investigation. Her position has never been that the Complaint should not be investigated. Rather, her position is that the investigation should be conducted by an independent and impartial Integrity Commissioner.

Seeking procedural fairness is not obstruction; it is the exercise of a legal right.

JUDICIAL REVIEW CONSIDERATIONS

In these circumstances, it is difficult to understand why this matter was not simply referred to an independent and impartial Integrity Commissioner. Such a referral would have preserved confidence in the investigative process and significantly reduced the risk of a subsequent application for judicial review.

Councillor McKeen would strongly prefer to avoid judicial review proceedings in relation to what is, at its core, a limited and discrete issue. Nevertheless, given the significant concerns regarding bias, conflict of interest, prejudice, and procedural fairness, Councillor McKeen must reserve all rights available to her.

Should judicial review ultimately become necessary, the resulting expenditure of public resources will have been entirely avoidable. Those costs and risks could have easily been avoided through the delegation of the Complaint to an independent and impartial Integrity Commissioner at the outset.

SUBSTANTIVE RESPONSE TO THE COMPLAINT

Notwithstanding the concerns detailed above, Councillor McKeen does not wish to refuse to participate in this process outright. Accordingly, and without waiving any of the concerns previously raised, Councillor McKeen provides the following substantive response to the allegation that she contravened Section 7.1 of the Code.

As a preliminary matter, Councillor McKeen was not provided with any reasons in support of the allegation that she contravened Section 7.1 and was advised that the Complainant did not give any. This is despite the County of Haldimand's Complaint Form requiring a Complainant to set out their reasons for why they believe that a provision of the Code has been breached. Councillor McKeen was merely advised that the Complainant asserted that she breached Section 7.1 of the Code and was provided by the Integrity Commissioner with a copy of the email chain in question with the impugned comments highlighted.

Councillor McKeen also sought to resolve the matter informally and was advised that the Complainant did not wish to pursue that option.

As a result, Councillor McKeen has not been provided with a meaningful explanation as to why the Complainant believes that Councillor McKeen has contravened the Code.

In these circumstances, Councillor McKeen's ability to respond to the Complaint has been significantly constrained by the absence of any reasons from the Complainant.

Nevertheless, based on the information provided to her, Councillor McKeen denies that she contravened Section 7.1 of the Code.

THE REPORT

Councillor McKeen requests that the report on the Complaint provide a complete and accurate account of the relevant background facts, including your direct involvement in the underlying events. In particular, the report should record that:

- Councillor McKeen initially contacted you seeking advice regarding her obligations under the Code;
- You inadvertently responded to all members of Council during the ensuing email correspondence;
- On March 7, 2026, you determined that Councillor McKeen had contravened Section 7.1 of the Code before any formal Complaint had been made;
- You subsequently became the investigator responsible for investigating and reporting on the very matter in respect of which those views had been expressed; and
- Councillor McKeen sought to resolve the matter informally, but the Complainant declined.

The report should also accurately record that Councillor McKeen repeatedly raised concerns regarding conflict of interest, reasonable apprehension of bias, prejudgment, and procedural fairness, and repeatedly requested that the matter be delegated to an independent and impartial Integrity Commissioner, as was her right.

Further, if you maintain that neither a conflict of interest nor a reasonable apprehension of bias exists, and that your prior direct involvement in the underlying events does not give rise to an appearance of prejudgment or a closed mind, the report should provide reasons for those conclusions.

A complete record of these matters is necessary to ensure transparency and accountability in the investigative process.

COUNCIL'S CONSIDERATION OF THE REPORT

Given that the procedural fairness concerns raised with the Integrity Commissioner remain unresolved, Councillor McKeen reserves the right to make submissions directly to Council regarding both the substance of the allegations and the fairness of the process that led to the report.

As Council is the ultimate decision-maker, Councillor McKeen expects that she will be afforded a full and fair opportunity to be heard before Council considers the matter.

The *Municipal Conflict of Interest Act* expressly permits a member who is the subject of an Integrity Commissioner report containing adverse findings to address Council before it considers the matter.

In doing so, Councillor McKeen will not be waiving any previously raised objections regarding procedural fairness, conflict of interest, reasonable apprehension of bias, or prejudice.

Analysis

Preliminary Issue: Should I Recuse Myself For Being a Recipient of the Emails in Issue and Having Referred to the Impugned Statements as “Surly”, “Disrespectful” and in Violation of s. 7.1 of the Code of Conduct At The Time Cllr. McKeen Made the Impugned Statements?

[11] I acknowledge that there is a potential issue of whether I should investigate this matter on account of the fact that I previously described some of Cllr. McKeen's comments in the email exchange that is the subject of this Complaint as surly, unprofessional and in breach of s. 7.1 of the Code of Conduct; however, the determination of whether I need to recuse myself depends on the specific circumstances and the applicable legal principles. A prior opinion by an Integrity Commissioner on the subject conduct does not automatically constitute bias; rather, as discussed below, the question is only whether I have a closed mind or lack impartiality in relation to the issue. According to the caselaw, each case must be assessed on its specific facts, including the nature of the prior opinion, the Commissioner's role, and adherence to procedural fairness principles.

[12] In the context of Integrity Commissioners, their role is generally investigative rather than adjudicative. This distinction is significant because the bar for finding bias in investigative roles is much higher than in adjudicative roles. For an apprehension of bias to be established in the case of investigative functions, it must be shown that the Commissioner exhibited a "closed mind" or predetermined the issue, rather than simply having expressed a prior opinion. This principle has been affirmed in cases such as *Chiarelli v. Ottawa (City)*, in which the Divisional Court emphasized that the Integrity Commissioner's role is not adjudicative but investigative, and the threshold for bias is whether the Commissioner maintained an open mind throughout the process.⁴

⁴ [2021] O.J. No. 7149.

[13] Additionally, the timing and context of the prior opinion are critical. If the Commissioner's earlier opinion was expressed in the course of their duties and based on evidence available at the time, it may not necessarily give rise to a reasonable apprehension of bias. For example, in *Bell Canada v. Communications, Energy and Paperworks Union*,⁵ the court noted that the bar for making a finding of bias in investigative functions is far higher as for adjudicative functions, focusing instead on whether the investigator maintained an open mind.⁶ However, if the prior opinion demonstrates a predisposition or predetermination that could affect the Commissioner's impartiality in the current investigation, this could support a claim of bias. In *Chiarelli v. Ottawa (City)*, the court highlighted that allegations of bias must be substantiated with evidence showing that the Commissioner's conduct or statements reflect a closed mind or a lack of impartiality

[14] It is also important to consider procedural fairness. The Integrity Commissioner must provide the subject of the complaint with an opportunity to respond to the allegations and ensure that the investigation is conducted in an impartial manner. Doing so is a factor negating any apprehension of bias that might otherwise exist.

[15] In her Response, Cllr. McKeen's legal counsel makes the following arguments as to why I should recuse myself, followed by my position regarding each argument:

- Councillor McKeen initially contacted you to seek your guidance regarding her obligations in respect of the proper use and disclosure of confidential information under the Code.
 - Cllr. McKeen did not contact me regarding *her* obligations regarding the proper use and disclosure of confidential information; rather, my interpretation of her initial email she wrote to me, copying (as I later learned) all Members of Council,⁷ the CAO and the Clerk, was a complaint that Cllr. Shirton was seeking the disclosure of confidential information in a public setting and asking me whether that was improper, and whether it thereby opened the door for her to disclose confidential information about the same subject-matter to the media.
- Despite those concerns [that I have prejudged the matter], and despite repeated requests for an explanation, you have not provided any substantive reasons as to why these circumstances do not create a conflict of interest, a reasonable apprehension of bias, or a closed mind.
 - The Ontario Divisional Court made the following observations regarding the procedure for a Complainant and the Integrity Commissioner to follow

⁵ [1997] F.C.J. No. 207.

⁶ See also *Jubenville v. Chatham-Kent (Municipality)*, [2025] O.J. No. 3348.

⁷ The email was copied to "DL-Council" which I did not realize at the time meant it was going to all Members of Council.

where an allegation of bias is advanced against the latter in *Chiarelli v. Ottawa (City)*:

77. An allegation of bias is to be made, at first instance, to the person who is alleged to be biased...

78. ...That person [the IC] is entitled to respond to the allegation and, where the allegation of bias is rejected, to explain why they are not biased in fact, and why their conduct does not give rise to a reasonable apprehension of bias. Usually, this is the only chance the person has to respond to serious allegations made against them. If this issue is then pursued on judicial review, it is the task of this court to review the decision on the bias issue - a task we cannot perform since the issue was not raised with the Commissioner and so he has not made a decision on the issue that we can review.

I take from this that the proper procedure is to do as I have done here – request formal submissions on the issue of bias and to make a formal ruling on the issue so that there is a record of the grounds for the allegation and the reasons why those grounds were rejected for use in any subsequent judicial review application.

[16] I note that the Respondent has produced no evidence that I closed my mind to her position or that I am incapable, on balance of probabilities, of acting impartially in the matter, beyond the mere fact that I previously commented on the Respondent's statements. I am satisfied that I have been willing to consider the matter afresh since receiving the Complaint and have acted impartially toward the Respondent, as I would in the case of any Member facing a Code of Conduct complaint. Almost as importantly, as detailed in paragraph [31] below, the Respondent has offered no defence or explanation for the comments she made that are the subject of the investigation. She has not addressed the substance of the Complaint whatsoever; rather, her defence has solely been to allege bias and lack of procedural fairness so as to avoid having the issue of whether she breached the Code of Conduct determined, or to at least delay it as long as possible. She has not given me any arguments in her favour about which I could have a "closed mind" or fail to be "impartial" such as to alter my initial impression of her statements. I am therefore satisfied that there is no legal or evidentiary basis for recusing myself from determining this Complaint and I decline to do so.

Procedural Fairness Concerns Raised By The Respondent

[17] The Respondent raised the following additional concerns, which I address below each of the concerns she has raised:

- You refused her request for a modest extension of time to respond, from ten (10) business days to fifteen (15) business days.
 - The issue raised by the Complaint are very discrete and straightforward. They concern words set out in emails which cannot be refuted. The Complaint does not require mustering any evidence. The Response did not indicate any prejudice suffered by the Respondent in having to respond

within 10 business days (or 14 total days) rather than her requested 30 days (per the Councillor's June 3rd email to me, not 15 business days as alleged in the Response), just the bare fact that I declined to grant the extension. In my opinion, 14 days was ample time to respond in the circumstances of this Complaint, as confirmed by the fact that it was responded to in full, albeit after 17 days, or 3 days after the deadline I had provided, which I have accepted.

- Councillor McKeen was not provided with any reasons in support of the allegation that she contravened Section 7.1 and was advised that the Complainant did not give any.
 - The claim that I advised the Respondent that the Complainant “did not give any” reasons to support the allegation that the Code of Conduct was breached is patently false. She was not only provided with the particulars of the Complaint as set out in paragraph [2] above – which indicated the Complainant’s belief that her statements lacked decorum in breach of s. 7.1 of the Code of Conduct “as a result of the lack of respect and degrading treatment to all” caused by the impugned statements – but was advised of the exact statements that are reviewed for Code compliance below. Furthermore, the Complaint is about clearly identified written statements and whether they breached “decorum.” There cannot be anything more clear cut than this. No further “reasons” in support of the Complaint were necessary.
- You declined to provide Councillor McKeen with an opportunity to review and respond to any draft findings or recommendations before the public issuance of your report.
 - Cllr. McKeen was given particulars of the statements she made during the March 4-7, 2026 that were under review and was told why they were under review. The statements are were undeniably made as they are in writing, discrete in number and quite specific. Responding to allegations that these statements breached decorum is not complicated. I do not know whether the statement from the Ombudsman’s Office in the passage quoted in the Response from legal counsel was meant to refer to a second provision of notice compared to the one I have already given the Respondent, but if so, in my respectful opinion, it is at odds with the expeditious review and reporting and minimization of cost that ought to be the goals of integrity commissioners. The courts have also held that the degree of procedural fairness needed to be accorded by integrity commissioners is relatively low.⁸ To add a further and in my view, wholly unnecessary, layer of notice

⁸ *Dhillon v. The Corporation of the City of Brampton*, 2021 ONSC 4165 at [para 49](#), citing *Michael Di Biase v City of Vaughan*, [2016 ONSC 5620](#).

and comment will simply delay integrity commissioner decisions and increase the costs of their services. While I would certainly apprise a respondent if I came across new evidence or was considering finding a Code violation other than the provision the respondent was originally alerted to, neither of those circumstances exist here. Regarding penalty, as my proposals are only recommendations and Council has the ultimate say on what, if any, penalty is to be imposed, any submissions regarding penalty are properly made by the Respondent to Council when my Report is considered, as I have previously advised this Council and therefore the Respondent who was present when I did so.⁹

[18] I am therefore satisfied that Cllr. McKeen has been accorded ample procedural fairness given the circumstances of the Complaint she was required to respond to.

[19] There are some concerning statements in the Response which I will address in concluding this section of the Report. The implied threat of judicial review proceedings if I do not rule in the Respondent's favour is wholly improper and Cllr. McKeen's legal counsel ought to know better than to make such threats. The Response also contains a false claim that I told Cllr. McKeen that "responding to those [procedural fairness] concerns would increase costs to taxpayers." I consistently advised Cllr. McKeen that if she had concerns about bias or procedural fairness, they should be included in her Response, in accordance with the direction of the Divisional Court in *Chiarelli v. Ottawa (City)*.

Did Cllr. McKeen Breach s. 7.1 of the Code of Conduct?

[20] Not all communications by Members of Council are subject to the Code of Conduct. Only those statements that are made in the course of the Member's performance, or intended performance, of their role as a councillor will be caught by the Code of Conduct.¹⁰ The first step in the analysis is thus to determine whether the impugned emails were composed and sent in the course of Cllr. McKeen's performance, or intended performance, of her responsibilities as a Member.

[21] I have no difficulty concluding that the emails set out above were sent in the course of Cllr. McKeen's performance or intended performance of her role as a councillor. The initial email was sent from her Haldimand County email account, concerned a specific item of business that had been raised at a previous Council meeting and was copied to all Members of Council. It appears that the Councillor was hoping that her inquiry to me would serve as a form of education to all Members regarding the subject-matter of her inquiry.

[22] The next question is whether the statements in question exhibited a lack of "decorum."

⁹ In jurisdictions where Council has delegated to me the power to impose penalties to the Integrity Commissioner, I do provide respondents with prior notice of the proposed penalty and provide them with a chance to respond to it before finalizing my report. That is not the case in Haldimand County.

¹⁰ See *Danko (Re)*, 2024 ONMIC 11 at [paras 19-29](#).

[23] The Cambridge University Dictionary defines “decorum” as “behavior that is socially correct, calm, and polite.”¹¹ Wiktionary defines “decorum” as: “appropriate social behavior.”¹² The Britannica Dictionary defines the word to mean “correct or proper behavior that shows respect and good manners.”¹³

[24] In *McConnell v Ford*,¹⁴ another IC held that even actions done without the intent to harm or with a commendable motive can still lack decorum and contravene the Code.

[25] The following are the statements made by Cllr. McKeen that are complained about, broken down by who they were directed at:

As against Cllr. Shirton

- I will try and explain [Cllr. Shirton’s] theatrics...”
- “Councillor Shirton ranted on about...”

As against Cllr. O’Neill

- Thank you Councillor O’Neal [sic], for your rambling and unsolicited advice and response. I must say that when I am needing inspiration on how to write county emails I always find tactics in your letters. However, unless you are a closet integrity commissioner in addition to being an inexperienced councillor, I will take your threat with a shaker of salt.

As Against the Integrity Commissioner

- “As expected, you did not answer my question”
- “because you don’t seem to understand his comments, perhaps I should have looped in the legal department. Instead, I will try and explain his theatrics more clearly and simply so that you understand.”

[26] “Theatrics” is defined in the Cambridge University Dictionary to mean “exaggerated, artificial, or highly emotional behavior designed to attract attention or produce a dramatic effect.” I regard such a description of the behavior of a councillor speaking at a Council meeting to be insulting and pejorative term, which does not pass the test of socially correct or proper behavior on the part of a councillor. I find that the use of the term “theatrics” to describe Cllr. Shirton’s

¹¹ Cambridge Academic Content Dictionary © Cambridge University Press)

¹² See <https://en.wiktionary.org/wiki/decorum>.

¹³ See <https://www.britannica.com/dictionary/decorum>.

¹⁴ 2015 ONMIC 4 (CanLII).

behavior fails to meet the standard of decorum expected of a councillor and it therefore breaches s. 7.1 of the Code of Conduct.

[27] The word “rant”, which Cllr. Shirton was accused of having engaged in during a Council meeting, is defined as “an aggressive, lengthy complaint or expressive outburst” and “to speak or shout in an uncontrolled, often exaggerated manner.”¹⁵ The Cambridge Dictionary indicates that synonyms of the word rant are “jabber” and “rave”. Google AI lists as synonyms of rant, the words “tirade”, “diatribe” and “harangue”. All of these are insulting, pejorative terms. They represent the opposite of “correct or proper behavior that shows respect and good manners”. For that reason, I find that the use of this term directed at Cllr. Shirton exhibited a lack of decorum, in breach of s. 7.1 of the Code of Conduct.

[28] Aside from substantially misspelling Cllr. O’Neill’s name,¹⁶ Cllr. McKeen, in the opening paragraph of her email sent on March 6th at 5:26 pm and in response to what I find was a temperate, measured reply on the part of Cllr. O’Neill to her email of March 4th at 2:20 pm, referred to statements he made in his email as “rambling”, made a sarcastic, mocking comment regarding the nature of his correspondence; referred to him – again sarcastically and mockingly – as a “closet integrity commissioner”; referred to him as “an inexperienced councillor”¹⁷; and accused him of making a “threat” toward her.

[29] In my opinion, the comments Cllr. McKeen directed at Cllr. O’Neill were abusive and certainly do not reflect “correct or proper behavior that shows respect and good manners”. Furthermore, the comment about a “threat” having been conveyed in Cllr. O’Neill’s earlier email to her is without factual foundation. I find no threat made toward her or anyone else whatsoever in Cllr. O’Neill’s email. Misrepresenting or mischaracterizing another’s statement is certainly not “behavior that is socially correct, calm, and polite”. I therefore find that Cllr. McKeen’s comments toward Cllr. O’Neill fell below the level of decorum expected of Council Members and thereby breached s. 7.1 of the Code of Conduct.

[30] I will not pass judgment on the appropriateness of Cllr. McKeen’s comments about me in terms of whether they breach s. 7.1 of the Code of Conduct. I will leave it to the reader to determine whether these comments conformed with the quality of discourse expected of elected officials in the course of their duties as such.

[31] I note that there is not a single submission in the Response directed to the substantive aspects of the Complaint. The closest the Response comes to in addressing the Complaint on its merits is the bare assertion that “based on the information provided to her, Councillor McKeen denies that she contravened Section 7.1 of the Code.” Had the Respondent and her legal counsel

¹⁵ Source: Cambridge University Dictionary.

¹⁶ I find it difficult to imagine that this was inadvertent given not only the extent of the misspelling but the fact that Cllr. McKeen has sat directly across the horseshoe Council table from Cllr. McNeill for almost one year and observed his name badge on the front facing of his desk over the course of many meetings.

¹⁷ I find this characterization puzzling given that Cllr. O’Neill had been a councillor for much longer than Cllr. McKeen. The latter was first elected in 2022 whereas Cllr. McKeen was a mid-term replacement who joined Haldimand County Council sometime after winning a by-election on April 10, 2025.

believed that the statements were defensible, I would have expected to see substantive arguments put forward, such as providing some alternative definition of the word “decorum”; providing definitions or principles taken from other court or IC decisions that would support an interpretation that her statements did not breach the Code of Conduct; and/or attempt to cast the statements in a light given surrounding circumstances that might cause them to appear less harsh than they otherwise do on a plain reading. I take this complete lack of defence put forward on the substantive issue to be a tacit admission on the part of the Respondent that her statements were indeed “rude” and “degrading” and therefore in breach of s. 7.1 of the Code of Conduct as the Complainant characterized them.

Recommended Penalty

[32] It is concerning that Cllr. McKeen engaged in such unacceptable discourse in an email exchange with all of her fellow members of Council as well as two senior County staff members, particularly given that no-one else engaged in similar unprofessional communication in the email exchange under review. It is further disconcerting given that Cllr. McKeen had undergone Code of Conduct training, including with respect to s. 7 of the Code of Conduct, on May 5, 2025, such that she ought to have appreciated her obligation to engage in respectful speech at the time of the email exchange in question.

[33] I note, on the other hand, that Cllr. McKeen is a relatively novice councillor, having been elected to Council in April 2025, less than a year before the email exchange in question.

[34] Balancing the foregoing considerations, and in the hope that Cllr. McKeen will learn from this experience and conduct herself with decorum in her future interactions with all members of Council, I recommend the following sanctions:

1. A formal reprimand from Council;
2. That Cllr. McKeen be required to issue an unequivocal public apology to both Cllrs. Shirton and O’Neill for the unprofessional comments she made about them in the March 4-7, 2026 email exchange.

[35] Should Cllr. McKeen refuse to make an unequivocal public apology, I recommend that Council impose a penalty of a suspension of pay for some duration, the length of which I will leave to the discretion of Council.

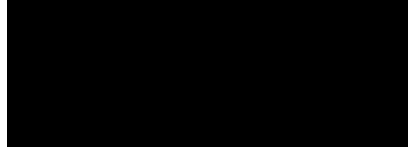
Disposition

[36] I have found Cllr. McKeen to have breached s. 7.1 of the Code of Conduct in several respects in the course of the email exchange over the period March 4-7, 2026 and have recommended that she be reprimanded for these breaches and required to make a formal, public apology to Cllrs. Shirton and O’Neill.

[37] As I stated in response to a question from Cllr. McKeen when I appeared before Council on April 7, 2026 to deliver my Report on Complaint 26-002, my proposed sanctions are only recommendations and Council is at liberty to reject my recommendations and impose no sanction or impose a greater sanction than what I have recommended.

[38] This concludes my investigation.

Respectfully Submitted,



Integrity Commissioner,
Haldimand County